



California Regulatory Notice Register

REGISTER 2005, NO. 50-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 16, 2005

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR EMPLOYMENT AND HOUSING COMMISSION <i>Harassment Training and Education—Notice File No. Z05-1205-01</i>	Page 1731
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Conflict of Interest Code—Notice File No. Z05-1207-02</i> <i>State Agency: California Cultural and Historical Endowment</i>	1733
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Enforcement Decisions as Precedent—Notice File No. Z05-1206-05</i>	1734
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Local Agency Ethics Training—Notice File No. Z05-1206-06</i>	1735
TITLE 2. OFFICE OF THE INSPECTOR GENERAL <i>Conflict of Interest Code—Notice File No. Z05-1206-08</i>	1736
TITLE 8. DIVISION OF WORKERS' COMPENSATION <i>Workers' Compensation Medical—Legal Fees—Notice File No. Z05-1206-01</i>	1737
TITLE 13. NEW MOTOR VEHICLE BOARD <i>Coordination of Fee Collection—Notice File No. Z05-1202-02</i>	1741
TITLE 13. NEW MOTOR VEHICLE BOARD <i>Process Improvement—Notice File No. Z05-1202-01</i>	1743
TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION <i>SRA Classification System, 2006—Notice File No. Z05-1206-07</i>	1745
TITLE 14. FISH AND GAME COMMISSION <i>Surfperch Bag Limit—Notice File No. Z05-1205-02</i>	1747
TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE <i>Financial Responsibility—Notice File No. Z05-1206-09</i>	1749

(Continued on next page)

*Time-
Dated
Material*

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION	
<i>Visiting Restrictions with Minors—Notice File No. Z05-1201-01</i>	1751

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME	
<i>CESA Consistency Determination for Elkhorn-Natomas Neighborhood Electric Distribution Project, Sacramento County</i>	1753

DEPARTMENT OF FISH AND GAME	
<i>CESA Consistency Determination for Relocation of US 101 at Confusion Hill, Mendocino County</i>	1753

DECISION NOT TO PROCEED

BOARD OF CHIROPRACTIC EXAMINERS	
<i>(Notice File No. Z03-0826-03, published in the California Regulatory Notice Register on September 5, 2003)..</i>	1754

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Notice of Additional Modifications to Title 22, CCR, Section 12900</i>	1754

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State.....	1755
Sections Filed, July 13, 2005 to December 7, 2005.....	1758

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR EMPLOYMENT AND HOUSING COMMISSION

SECTION 7288.0—HARASSMENT TRAINING AND EDUCATION

NOTICE OF PROPOSED RULEMAKING

The California Fair Employment and Housing Commission (“Commission”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The Commission also proposes to amend existing reserved sections 7288.0—Labor Organizations, 7288.1—Apprenticeship Programs, and 7288.2—Employment Agencies by renumbering each section by one number to accommodate a new section 7288.0 covering harassment training and education. Thus, after amendment, these reserved sections would be numbered: 7288.1—Labor Organizations, 7288.2—Apprenticeship Programs, and 7288.3—Employment Agencies.

PUBLIC HEARINGS

The Commission will hold two public hearings:

- In San Francisco, starting at 1 p.m. on February 1, 2005, at the Auditorium located in the basement of the Hiram Johnson State Building at 455 Golden Gate Avenue, San Francisco, California. The Auditorium is wheelchair accessible.
- In Los Angeles, starting at 10 a.m. on February 10, 2005, at the Auditorium located on the ground floor of the Ronald Reagan State Office Building at 300 South Spring Street, Los Angeles, California. The Auditorium is wheelchair accessible.

At each hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Commission requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5 p.m. on February 10, 2005. The Commission will consider only comments received at the Commission offices, delivered in person to Commission personnel at either public hearing referenced above, or through Commission email by that time. Submit comments to:

Ann M. Noel, Acting Executive and
Legal Affairs Secretary
Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102
or
regs@fehcc.ca.gov

AUTHORITY AND REFERENCE

Government Code section 12935, subdivision (a), authorizes the Commission to adopt the proposed regulations, which would implement, interpret, or make specific section 12950.1 of the Government Code (Ch. 933, Stats. 2004, A.B. 1825, Reyes).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to adopt a new section 7288.0 in Title 2 of the California Code of Regulations (CCR) regarding harassment training and education. The Commission also proposes to amend the existing sections 7288.0—Labor Organizations (Reserved), 7288.1—Apprenticeship Programs (Reserved), and 7288.2—Employment Agencies (Reserved) by renumbering these sections to read 7288.1—Labor Organizations (Reserved), 7288.2—Apprenticeship Programs (Reserved), and 7288.3—Employment Agencies (Reserved).

The purpose of the proposed regulations is to provide guidelines to employers regarding harassment training of supervisors mandated by Government Code section 12950.1.

Government Code section 12950.1, subdivision (a), requires all employers with 50 or more employees to provide two hours of harassment training to their supervisors.

Government Code section 12950.1, subdivision (b), states that the state shall incorporate the training required by subdivision (a) into the 80 hours of training required to all new state supervisory employees (Gov. Code § 19995.4), using existing resources.

Government Code section 12950.1, subdivision (c), defines who is an “employer” under section 12950.1.

Government Code section 12950.1, subdivision (d), states that failure to comply with this section does not necessarily result in liability of any employer to any

present or former employee or applicant in any action alleging sexual harassment nor does compliance insulate the employer from such liability.

Government Code section 12950.1, subdivision (e), provides that the Commission shall issue an order requiring an employer to comply with section 12950.1's requirements should an employer ignore those requirements.

Government Code section 12950.1, subdivision (f), provides that the training and education required by section 12950.1 is intended to establish a minimum threshold and should not discourage or relieve any employer from providing for longer, more frequent or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination to meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination.

Government Code section 12935, subdivision (a), authorizes the Commission to adopt regulations to implement, interpret and make specific these requirements.

Section 7288.0, subdivision (a), defines terms used in Government Code section 12950.1, including who is a "contract worker," an "employee," an "employer," a "supervisor," a "new supervisor," and an "instructional designer." The proposed regulations also define "having 50 or more employees," "other effective interactive training and education," "two hours" of harassment training; and "training," detailing the types of acceptable training.

Section 7288.0, subdivision (b), specifies the frequency and duration of harassment training, training at new businesses and training for new supervisors.

Section 7288.0, subdivision (c), specifies who is a qualified trainer or educator.

Section 7288.0, subdivision (d), specifies the necessary content for harassment training.

Section 7288.0, subdivision (e), specifies remedies for failing to train.

Section 7288.0, subdivision (f), specifies compliance with section 12950.1 prior to the effective date of the Commission's regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: The Assembly Appropriations Committee Fiscal Summary for the August 12, 2004 hearing on A.B. 1825 prepared by consultant Nora Lynn (hereafter, "Assembly Fiscal Summary") estimated that the cost to local governments to comply with section 12950.1 would be

\$2 million per year. These proposed regulations clarify section 12950.1 and impose no further mandates or costs.

Cost or savings to any state agency: The Assembly Fiscal Summary estimated an annual cost to the state of compliance with Government Code section 12950.1 to be \$750,000 to \$1,000,000 per year. These proposed regulations impose no further costs.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Commission estimates that the total statewide costs that businesses may incur to comply with Government Code section 12950.1 over a three year period would be \$6,873,224. The proposed regulations clarify section 12950.1 and impose no further costs. The Commission arrived at this figure with the following calculations, assumptions and estimates:

Number of employees working for affected businesses: ¹ 9,037,805

Number of supervisors and managers working for these businesses: ² 117,491

Average cost per supervisor for training: ³ \$39

Initial cost to train all 117,491 supervisors: ⁴ \$4,582,149

¹ Source: EDD Table 1; employees working for businesses with 50 or more employees were added to arrive at 9,037,805.

² The Commission estimated that 13% of the 9,037,805 employees would be supervisors or managers, for a total number of supervisors and managers needing training equaling 117,491. No data was available for the number of supervisors and managers in private businesses with 50 or more employees. The Commission used the same percentage of supervisors and managers working for private industry that work for state government. The Department of Personnel Administration reports that 25,000 supervisors and 500 managers work for a state workforce of 321,394, or 13% of the state workforce. (Sources: Number of state supervisors and managers—Assembly Fiscal Analysis; total state employment figures of 321,394—California Statistical Abstract 2004, Table C-5, "Employees in California State Government a/ 1975-76 to 2002-3", found at: http://www.dof.ca.gov/HTML/FS_DATA/STAT-ABS/StatAbstrct04www.pdf.)

³ The Assembly Fiscal Analysis estimated a cost per supervisor for training to be \$39 and the Commission used this figure. This estimate is consistent with an estimate supplied by Garry Mathiason of Littler, Mendelson, estimating the cost for training to be from \$10 to \$40 per supervisor, see Exhibit A, Tab 7.

⁴ 117,491 times \$39 equals \$4,582,149.

Cost over three years to train 117,491 supervisors:⁵
\$6,873,224

The Commission estimates that a representative private business of 50 employees would need to train an estimated seven supervisors or managers at an average cost of \$39 per supervisor for a total initial cost of \$273. The training is required every two years, so that the annual cost of compliance with Government Code section 12950.1 would be \$137 per year for a representative business. The proposed regulations do not impose any additional costs beyond the statute.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California.
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The Commission has determined that the proposed regulations do not affect small businesses. The proposed regulations only affect private businesses with 50 or more employees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ann M. Noel
Acting Executive and Legal Affairs Secretary
Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102
Telephone: (415) 557-2325
Facsimile: (415) 557-0855
regs@fehca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial

statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Noel at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Ann M. Noel at the address or phone number listed above, or by downloading copies from the Commission's website at www.fehc.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearings and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this Notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ann M. Noel at the address indicated above. The modified text will also be available on the Commission's website at www.fehc.ca.gov. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Noel at the above address or on the Commission's website at www.fehc.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.fehc.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and

⁵ Training is required only every other year, so a three year average is \$6,873,224. Per State Administrative Manual section 6622, the Commission calculated costs of the regulations for three years.

87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

ADOPTION

STATE AGENCY: California Cultural and Historical Endowment

A written comment period has been established commencing on **December 16, 2005**, and closing on **January 30, 2006**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than January 30, 2006. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS
AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **January 20, 2006**, at approximately **9:45 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **January 18, 2006**.

BACKGROUND/OVERVIEW

Adopt 2 Cal. Code Regs. § 18361.10: The proposed regulation would set out guidelines and procedures through which the Commission might increase the consistency, predictability and uniformity of its administratively adjudicated enforcement decisions by facilitating the creation of a body of "case law."

In accordance with the provisions of section 11425.60 and related statutes in the Administrative Procedure Act, the proposal would provide the Commission with a framework through which it could deem all or parts of certain administrative enforcement decisions as having precedential value. (See Govern-

ment Code §§ 11340–11529 [the Administrative Procedure Act].) Such precedent could be cited as binding authority in arguments made to administrative law judges, and as persuasive authority to both state and federal judges, interpreting the statutes and regulations comprising the Political Reform Act in future proceedings. (See Government Code §§ 81000–91014 [the Political Reform Act]; regulations appear at Title 2, §§ 18109–18997 of the California Code of Regulations.) Decision points in the current version deal with the following issues:

- Whether default judgments should be considered for designation as precedent;
- Whether the Commission should consider issuing a tentative decision regarding precedent prior to inviting comment by non-parties; and
- Whether Commissioners should be provided copies of denials by the Executive Director of non-party requests for precedent.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 83111 and 83116.

CONTACT

Any inquiries concerning this proposal should be made to Andy Rockas, Fair Political Practices Commission, 428 J Street, Eighth Floor, Sacramento, California 95814, telephone: (916) 322-5660. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally

made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **January 20, 2006**, at approximately **9:45 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **January 18, 2006**.

BACKGROUND/OVERVIEW

Adopt 2 Cal. Code Regs. § 18371: The proposed regulation would set out guidelines and procedures through which the Commission will be consulted regarding the content of the biennial local ethics training required by Government Code sections 53234, 53235, 53235.1, and 53235.2.

On October 7, 2005, the Governor signed Assembly Bill No. 1234. AB 1234 requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials by January 1, 2007, and every two years thereafter. The term “legislative body” includes not only the governing body of a local agency, but also a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory.

The bill further provides that if an entity develops criteria for the ethics training, the Commission and the Attorney General’s Office must be consulted regarding the proposed course content. The proposed regulation would implement this “consultation requirement” for purposes of consulting with the Fair Political Practices Commission (“Commission”). The Commission will consider what the requirements will be in order for the provider of local agency ethics to have complied with the “consultation” requirement of the new law *for purposes of ethics course content involving the Political Reform Act*. Bracketed language in proposed regulation 18371 represents optional language for the Commission to consider.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 53234, 53235, 53235.1, and 53235.2.

CONTACT

Any inquiries concerning this proposal should be made to John Wallace, Fair Political Practices Commission, 428 J Street, Eighth Floor, Sacramento, California 95814, telephone: (916) 322-5660. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

TITLE 2. OFFICE OF THE INSPECTOR GENERAL

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF THE INSPECTOR GENERAL

NOTICE IS HEREBY GIVEN that the Office of the Inspector General, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of the Inspector General proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The purpose of this amendment is to add to the Conflict-of-Interest reporting categories, the positions of Deputy Inspector General, In-Charge and Deputy Inspector General, Senior within the Bureau of Audits and Investigations section of the Office of the Inspector General, and make other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than January 30, 2006, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than January 15, 2006, by contacting the Contact Person set forth below.

The Office of the Inspector General has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be Reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of the Inspector General must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Brett Morgan
Chief Deputy Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834
(916) 830-3600

TITLE 8. DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULEMAKING AND INFORMATIVE DIGEST

Medical-Legal Fee Schedule

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation (hereinafter "Administrative Director"), exercising the authority vested in the Administrative Director by Labor Code Sections 133, 4627, 5307.3, and 5307.6, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation ("DWC"), proposes to amend Article 5.6 of Chapter 4.5, Subchapter 1.5, of Title 8, California Code of Regulations, commencing with Section 9793:

Amend Section 9793 Definitions

Amend Section 9795 Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations, and Medical-Legal Testimony

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

Date: January 30, 2006

Time: 10:00 a.m. to 5:00 pm or conclusion of business

Place: Auditorium
Elihu Harris State Building
1515 Clay Street
Oakland, California 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or any other type of reasonable accommodation to facilitate effective communication and program access for persons with disabilities, are available upon request. Please contact the Statewide Disability Accommodation Coordinator at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by Labor Code Sections 133, 4627, 5307.3, and 5307.6.

Reference is to Labor Code Sections 139.2, 4060, 4061, 4061.5, 4062, 4062.1, 4062.2, 4062.3, 4064, 4620, 4621, 4622, 4625, 4626, 4628, 4650, 5307.1, and 5402.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Medical evidence in California workers' compensation cases is principally established through the use of medical-legal reports by physicians. Labor Code sections 4060 through 4068 set forth the procedures for obtaining such medical evidence. The Medical Legal Fee Schedule, established by Title 8, California Code of Regulations, sections 9793 through 9795, sets the fees that may be charged for medical-legal reports.

This proposed regulatory change implements, interprets, and makes specific Sections 139.2, 4060, 4061, 4061.5, 4062, 4062.1, 4062.2, 4062.3, 4064, 4620, 4621, 4622, 4625, 4626, 4628, 4650, 5307.1, and 5402 of the Labor Code as follows:

Section 9793. Definitions.

This section sets forth definitions used in applying the medical-legal fee schedule.

- (a) Claim. This subdivision provides a definition of *claim*. The subdivision is changed to correct a typographical error in the text.
- (b) Contested Claim. This subdivision provides a definition of *contested claim*. Paragraph (3) of the definition of *contested claim* is changed to correct a typographical error in the text.
- (d) Claims Administrator. This subdivision provides a definition of *claims administrator*. The subdivision is changed to make it consistent with other definitions of *claims administrator* appearing in other regulations of the Division of Workers' Compensation.
- (i) Primary treating physician. This subdivision is changed to correct an error. The subdivision

currently refers to a repealed regulation. It is changed to refer to the correct subdivision of the current regulation defining Primary treating physician.

Section 9795. Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations and Medical-Legal Testimony.

This section sets forth the descriptions of the procedures performed during evaluations, and sets the fees to be paid for the various types of evaluations.

In subdivision (b), the multiplier is increased from \$10.00 to \$12.50. This change will increase the fee for all medical-legal evaluations by 25%. The words, *is all inclusive and*, are deleted. The words, *history and physical*, are inserted before the word *examination*, and the words *typing and* are inserted before the words *transcription services*. In the phrase, *time to perform the examination*, the word *times* is changed to the singular *time*. The changes make clear that the fee includes the history and any typing services.

In subdivision (c), in the description of ML 101, the phrase, *rounded to the nearest quarter hour*, is added. It determines that increments of a time which are less than an hour are rounded to the nearest quarter hour in computing total time.

In subdivision (c), in the description of ML 103, two of the sentences are rewritten for clarity. The capitalization is changed in the middle portion for clarity. Also in subdivision (c), a new requirement is added that if the evaluator specifies there were two or more hours of research, the evaluator must provide a citation to the reference sources. In the listing of complexity factor seven of the ML 103, apportionment, it is changed to situations in which the physician evaluates three or more injuries or pathologies, or there have been three or more employers. A tenth complexity factor is added: addressing the issue of denial or modification of treatment following utilization review.

In subdivision (c), the description of ML 104 is rearranged and renumbered for clarity. Medical-legal testimony and supplemental medical-legal reports are removed from ML 104, and are treated in the new ML 105 and ML 106 paragraphs. The billing period is changed to include rounding to the nearest quarter hour. The use of the descriptor *extraordinary circumstances* is removed as a reason for an evaluation being classed as an ML 104. For an evaluation to be an ML 104 based on four or more complexity factors, the physician must state what they are at the beginning of the report. The consideration of *a complex issue of medical causation* is deleted as a reason for an evaluation being an ML 104. The agreed medical-legal evaluation is rephrased for clarity.

In subdivision (c), medical-legal testimony is moved to a new category of ML 105. This testimony is reimbursed at the lesser of the physician's usual hourly fee or the RV 5 rate, rounding to the nearest quarter hour.

In subdivision (c), the supplemental medical-legal evaluation is moved to a new category of ML 106. The new section specifies that the evaluation is reimbursed at the lesser of the physician's usual hourly fee or the RV 5 rate, rounding to the nearest quarter hour.

In subdivision (d), there are several changes in language without regulatory effect. Modifying circumstances are now required to be identified by an appropriate modifier code. For modifier -92, the twenty per cent reduction is removed, and the modifier code is specified to be used for identification purposes only. For modifier -93, use of an interpreter, the wording is rephrased to continue its use only with ML 102 and ML 103.

Modifiers -96 and -97 are deleted, their subjects now being treated elsewhere.

In subdivision (e), fees for duplicate report copies are changed from a specified amount, to the rate established in the Official Medical Fee Schedule.

Subdivision (f) was rewritten for clarity to indicate the effective dates of these fee schedule changes.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- **Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** None.
- **Adoption of this regulation will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business in California.**
- **Effect on Housing Costs:** None.
- **Cost impacts on representative private person or business:** The Administrative Director has made an initial determination that the proposed regulations will have the following cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations: To the extent that the representative private person or business obtains medical-legal evaluations in workers' compensation cases governed by these regulations, the costs of those evaluations will increase by approximately 25%. As it cannot be known how many such evaluations the representative private person or business now

obtains in any given time period, or the costs of those individual evaluations, there cannot be an estimate of the actual cost impact for any such representative private person or business. The Administrative Director has made an initial determination that the proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. The entities directly affected by the regulations, which govern payments for medical-legal evaluations in workers' compensation cases, include: (1) employers who are large and financially secure enough to be permitted to self-insure their workers' compensation liability and who administer their own workers' compensation claims; (2) private insurance companies which are authorized to transact workers' compensation insurance in California; and (3) third party administrators which are retained to administer claims on behalf of self-insured employers or insurers.

FISCAL IMPACTS

- **Costs or savings to state agencies or costs/savings in federal funding to the State:** Minimal costs to state agencies in their capacity as employers, which will result from increased costs of medical-legal evaluations which they obtain in workers' compensation cases.
- **Mandate on Local Agencies:** None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. The potential costs imposed on all public agency employers by these proposed regulations, although not a benefit level increase, are not a new State mandate because the regulations apply to all employers, both public and private, and not uniquely to local governments. The Administrative Director has determined that the proposed regulations will not impose any new mandated programs on any local agency or school district. The California Supreme Court has determined that an increase in workers' compensation benefit levels does not constitute a new State mandate for the purpose of local mandate claims because the increase does not impose unique requirements on local governments. See *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46. The potential costs imposed on all public agency employers and payors by these proposed regulations, although not a benefit level increase, are similarly not a new State mandate because the regulations apply to all employers and payors, both public and private, and not uniquely to local governments.
- **Cost to any local agency or school district that is required to be reimbursed under Part 7 (com-**

encing with Section 17500) of Division 4 of the Government Code: None. (See "Local Mandate" section above.)

- **Other nondiscretionary costs/savings imposed upon local agencies:** None. (See "Local Mandate" section above.)

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulation will affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention would be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATION

Proposed regulatory language was posted on the forum website of DWC on two separate occasions, and public comment was received and considered.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION / INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulation have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below or a copy will be provided upon written request.

In addition, this Notice, the Initial Statement of Reasons, and the text of regulations may be accessed and downloaded from the Department of Industrial Relations' Internet site at www.dir.ca.gov under the heading "Rulemaking-proposed regulations." Any subsequent changes in regulation text and the Final Statement of Reasons will be available at that Internet site when made.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present oral and/or written statements, arguments or evidence at the public hearing. If you provide a written comment,

it will not be necessary to present your comment as oral testimony at the public hearing.

Any person may submit written comments on the proposed regulation to the DWC contact person:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may also be submitted by facsimile transmission (FAX), addressed to the contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@hq.dir.ca.gov

Unless submitted prior to or at the public hearing, all written comments must be received by the agency contact person, no later than 5:00 p.m. on January 30, 2006. Equal weight will be accorded to oral and written materials.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

Due to the inherent risks of non-delivery by facsimile transmission and email transmission, the Administrative Director suggests, but does not require, that a copy of any comments transmitted by facsimile transmission or email transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF RULEMAKING FILE AND LOCATION WHERE RULEMAKING FILE MAY BE INSPECTED

Any interested person may inspect a copy or direct questions about the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file.

The rulemaking file, including the Initial Statement of Reasons, the complete text of the proposed regulation and any documents relied upon in this rulemaking may be inspected during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding public holidays) at the following location:

Division of Workers' Compensation
1515 Clay Street, 17th Floor
Oakland, California 94612

AVAILABILITY OF RULEMAKING DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Division's website: www.dir.ca.gov. To access them, click on the "Proposed Regulations—Rulemaking" link and scroll down the list of

rulemaking proceedings to find the rulemaking link, "Workers' compensation—Medical Legal Fee Schedule."

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulation, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be directed to the contact person. The contact person is:

Ms. Maureen Gray
Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the contact person is (510) 286-7100.

BACK-UP CONTACT PERSON / CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

To obtain responses to questions regarding the substance of the proposed regulation, or in the event the contact person is unavailable, inquiries should be directed to: Richard Starkeson, Industrial Relations Counsel, at the same address and telephone number as noted above for the contact person.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulation as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for public comment for at least 15 days prior to the date on which the regulation is adopted. The modified text will be made available on the Division's website: www.dir.ca.gov and may be located by following the direction provided above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website: www.dir.ca.gov by following the directions provided above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations will appear in Title 8, California Code of Regulations, commencing with section 9783.

TITLE 13. NEW MOTOR VEHICLE BOARD

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by section 3050, subdivision (a) of the Vehicle Code, proposes to amend section 553 of Title 13 of the California Code of Regulations in order to synchronize the collection of Board fees to coincide with the Department of Motor Vehicle's proposal to issue and renew new motor vehicle dealer's licenses for a two-year period.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 553 after consideration of all comments, objections, and recommendations regarding the proposed action.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered the proposed text of the regulations at a noticed meeting held on September 21, 2005. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at the September 21, 2005, General Meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

A public hearing is not scheduled, however, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Board no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested may present statements or arguments in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below on or before 5:00 p.m. on January 30, 2006. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Howard Weinberg, General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
(916) 445-2080

Fax: (916) 323-1632

E-mail: www.nmvp@pacbell.net

The official record of the rulemaking procedure will be closed at 5:00 p.m. following the conclusion of the public comment period on January 30, 2006. Written comments received after 5:00 p.m. on January 30, 2006, will not be considered unless an extension of time in which to receive written comments is announced at a public hearing, if one is requested.

AUTHORITY AND REFERENCE

Authority cited: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 11723 and 3016, Vehicle Code; and Section 472.5(b), Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The Board proposes to amend section 553 of the regulations contained in Title 13 of the California Code of Regulations in order to synchronize the collection of Board fees to coincide with the Department of Motor Vehicle's proposal to issue and renew new motor vehicle dealer's licenses for a two-year period.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations:

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation.

LOCAL MANDATE

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

The proposed regulatory action imposes (1) no cost or savings to any state agency; (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non-discretionary cost or savings to local agencies; and (4) no costs or savings in federal funding to the state.

EFFECT ON BUSINESSES

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

There will be no cost impact of the proposed regulatory action on directly affected private persons. The Board expects no cost impact on directly affected businesses. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of existing businesses, and will neither reduce or expand businesses currently doing business in the State of California.

EFFECT ON HOUSING COSTS

The proposed regulatory action will have no impact on housing costs.

EFFECT ON FEDERAL LAW

The proposed regulatory action will not duplicate or conflict with any federal law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the September 21, 2005, General meeting, wherein the Board preliminarily adopted the proposed

regulatory text, no other alternatives were considered. However, the submission of written and oral comments was invited. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

CONTACT PERSON/BACKUP CONTACT PERSON

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Howard Weinberg, General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board's website: www.nmvb.ca.gov.

STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to

indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the modified regulation for 15 days after the date on which it is first made available to the public.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the Backup Contact Person listed in this notice, or may be obtained from the Board's website: www.nmvb.ca.gov.

TITLE 13. NEW MOTOR VEHICLE BOARD

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by Section 3050, subdivision (a) of the Vehicle Code, proposes to amend section 590 of Title 13 of the California Code of Regulations in order to eliminate the authority for the Board's Executive Director to hold hearings on protests.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 590 after consideration of all comments, objections, and recommendations regarding the proposed action.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered the proposed text of the regulations at noticed meeting held on November 7, 2003. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and govern-

mental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at the November 7, 2003, General Meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

A public hearing is not scheduled, however, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Board no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested may present statements or arguments in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below on or before 5:00 p.m. on January 30, 2006. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Howard Weinberg, General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
(916) 445-2080
Fax: (916) 323-1632
E-mail: www.nmvb@pacbell.net

The official record of the rulemaking procedure will be closed at 5:00 p.m. following the conclusion of the public comment period on January 30, 2006. Written comments received after 5:00 p.m. on January 30, 2006, will not be considered unless an extension of time in which to receive written comments is announced at a public hearing, if one is requested.

AUTHORITY AND REFERENCE

Authority cited: Section 3050(a), Vehicle Code.
Reference: Sections 3050(c), 3060, 3062, 3064, 3065, 3065.1, 3066, 3070, 3072, Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly

litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The Board proposes to amend section 590 to the regulations contained in Title 13 of the California Code of Regulations in order to implement the recommendations of the Audit Review Committee that the Board's organization structure and duties of the Executive Director be redefined to eliminate all duties related to hearing Board cases.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations:

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation.

LOCAL MANDATE

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

The proposed regulatory action imposes (1) no cost or savings to any state agency; (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non discretionary cost or savings to local agencies; and (4) no costs or savings in federal funding to the state.

EFFECT ON BUSINESSES

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

No cost impact of the proposed regulatory action is expected as there are no directly affected private persons. The Board expects no cost impact on directly affected businesses. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the State of California.

EFFECT ON HOUSING COSTS

The proposed regulatory action will have no impact on housing costs.

EFFECT ON FEDERAL LAW

The proposed regulatory action will not duplicate or conflict with any federal law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the November 7, 2003, General meeting, wherein the Board preliminarily adopted the proposed regulatory text, no other alternatives were considered. However, then Board President, Glenn E. Stevens invited and encouraged the submission of written and oral comments. Furthermore, Mr. Stevens indicated that the Board, in instructing staff to go forward with the proposed rulemaking, did not necessarily indicate final Board action. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

CONTACT PERSON/BACKUP CONTACT PERSON

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Howard Weinberg, General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board's website: www.nmvb.ca.gov.

STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the

modified regulation for 15 days after the date on which it is first made available to the public.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the Backup Contact Person listed in this Notice, or may be obtained from the Board's website: www.nmvb.ca.gov.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

NOTICE OF PROPOSED RULEMAKING

SRA Classification System, 2006

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Adopt:

**Division 1.5, Chapter 7 Fire Protection, Article 1.
Presently Classified and Recorded Boundaries.
§ 1220**

PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 A.M., on Wednesday, February 8, 2006, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, January 30, 2006. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Pursuant to authority vested by section 4125 of the Public Resources Code (PRC), and to implement, interpret, and make specific PRC sections 4102, 4125, 4126, 4127 and 4128, the Board is adopting such rules and regulations as it determines are reasonably necessary to enable it to classify lands for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is the responsibility of the State.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to update a procedural publication which is used to classify State Responsibility Areas (SRA). SRA, pursuant to Public Resources Code § 4125–4128, are all lands in the state where the financial responsibility of preventing and suppressing wildfire is primarily the responsibility of the State. The procedural publication is titled *State Responsibility Area Classification System*. This publication provides instructions for evaluating and documenting periodic changes to the official SRA maps.

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendments to the *State Responsibility Area Classification System* publication are related to the following:

- Update documentation requirements and terminology;
- Provide greater flexibility for the Board to consider special requests for changes to SRA;

- Provide greater flexibility for the Board to determine the date when the SRA changes become effective;
- Providing automatic changes to the SRA map when land is exchanged between the federal government and private owners.

The proposed amendment to 14 CCR § 1220, “Presently Classified and Recorded Boundaries”, changes the calendar date of the adopted revision.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: The regulation will not result in a fiscal impact to the State.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private persons or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is related to non-fire season emergency services provided by CDF. These services are primarily provided to local government entities and do not affect private small businesses.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which

are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205 and 220 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 215, 220 and 7120 of said Code, proposes to amend Sections 27.60 and 28.59, Title 14, California Code of Regulations, relating to surfperch bag limit.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations of Section 27.60 and Section 28.59 of Title 14, CCR, provide for a recreational daily bag limit of five surfperch of any species in combination, excluding shiner surfperch.

The proposed regulatory change would increase the daily recreational bag limit for surfperch. The Commission will consider a daily bag limit between 15 and 20 surfperch in combination of species, excluding shiner surfperch. Not more than 10 surfperch may be of any one species.

The Commission will also consider a special sub-limit for redbait surfperch of five fish. However, the Department does not have biological information that suggests specific protection for redbait surfperch is warranted. The Department recommends that the Commission not adopt this special sub-limit for redbait as it would add unwarranted complexity to the regulations without a reasonably compelling need.

The new bag limits would apply in all marine waters statewide, except for San Francisco Bay and San Pablo Bay, where the daily bag limit will remain at five fish in combination.

Minor changes to the existing language of Section 28.59, Title 14, CCR, are proposed to improve clarity and enforceability.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Friday, February 3, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 27, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on January 30, 2006. All comments must be received no later than February 3, 2006, at the hearing in Sacramento, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Koell at the preceding address or phone number. **Gary B. Stacey, Regional Manager, Marine Region, Department of Fish and Game, phone (562) 342-7108, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the

Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. There is likely to be some positive but negligible impact to sportfishing tackle wholesalers and manufacturers resulting from the regulatory change allowing for increased take of surfperch.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed regulations will not directly result in the creation or elimination of jobs or businesses in California. There is likely to be some positive but negligible expansion of existing businesses for tackle wholesalers, tackle manufacturers, and others that provide goods and services to sportfishermen.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 793 and 795 in Subdivision 4, Chapter 2, Subchapter 1 of Title 14 of the California Code of Regulations (CCR). OSPR also proposes to amend the following forms: FG OSPR-1924, FG OSPR-1925, FG OSPR-1929, FG OSPR-1930, FG OSPR-1946, FG OSPR-1947, FG OSPR-1962, and FG OSPR-1972. These sections and forms pertain to California Certificates of Financial Responsibility.

PUBLIC HEARING

A public hearing has been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all testimony is completed, and will be held as follows:

January 31, 2006
Office of Spill Prevention and Response
1700 K Street
First Floor Conference Room
Sacramento, California
10 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written

comments must be received by OSPR at this office no later than 5:00 p.m. on January 31, 2006, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.37.54(b) grants the Administrator the authority to adopt regulations governing policy or other contractual terms, conditions or defenses which are necessary or which are unacceptable in establishing evidence of financial responsibility. Accordingly, the proposed regulations implement, interpret and make specific Government Code Sections 8670.37.51 through 8670.37.57 relating to financial responsibility.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters.

The Act mandates that all vessel and marine facility owner/operators shall be prohibited from transporting oil or operating a marine facility which transfer oil to or from a vessel in California, without first obtaining a certificate demonstrating specified levels of financial responsibility to pay for any costs resulting from oil spills occurring in California marine waters, or in locations which could affect California marine waters.

Pursuant to the authority in the Act, OSPR currently has regulations (Title 14, California Code of Regulations, Sections 791 through 797) which define terms used in the regulations; establish procedures for applying for a California Certificate of Financial

Responsibility (COFR); establish required levels of financial responsibility and certificate requirements for owners or operators of vessels and marine facilities, and owners of oil; provide information on the types of evidence required in order to establish financial responsibility; inform the regulated community of those situations in which a certificate may be revoked; and, provide the methods for reporting changes which could affect the certificant's ability to comply with the financial responsibility requirements.

This proposal would change the regulations in the following ways:

- Make minor, clarifying changes to the COFR regulatory language by being consistent with the use of "owner/operator"; and by removing an incorrect subsection reference;
- Amending the COFR Applications (FG OSPR-1924, FG OSPR-1925, FG OSPR-1946, FG OSPR-1947, and FG OSPR-1972) by specifying an unacceptable type of e-mail file transmission, by adding more options for submitting the COFR application and fee, and by making the format of all the applications consistent.
- Amending the California Endorsement forms (FG OSPR-1929, FG OSPR-1930, and FG OSPR-1962) so that the forms now include all damages that are to be covered by the owner/operator's insurance, and which defenses are allowed and prohibited. This language was taken from Government Code Section 8670.56.5.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments codify current practices and will not result in significant additional costs to private persons or directly affected businesses. The OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Tena Rakela ((916) 327-3197).

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

California Code of Regulations Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Sections 5058 and 5058.3, in order to implement, interpret and make specific PC Sections 5054, 5054.2, and 1202.05 and Welfare and Institutions Code Section 362.6 proposes to amend Sections 3173.1 in the California Code of Regulations (CCR), Title 15 concerning Visiting Restrictions with Minors.

PUBLIC HEARING

Date and Time: February 10, 2006
10:00 a.m. to 11:00 a.m.
Place: Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close February 10 2006 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 358-2636; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 358-1655**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Stephanie Winn
Regulation and Policy Management Branch
Telephone (916) 358-2460**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Frank Lopez, Captain
Division of Adult Institutions
Telephone (916) 323-4242**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse

economic impact on small business because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB AND/OR
BUSINESS CREATION, ELIMINATION
OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

**AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS**

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department

will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

On May 10, 2005, Legislation (Senate Bill 737) was signed into law, and effective on July 1, 2005, the Youth and Adult Correctional Agency (YACA), which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the Department of Corrections and Rehabilitation (CDCR), headed by a secretary.

GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: YACA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Commission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statute, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340. This regulatory action:

- PC Section 5054.2 and 1202.05 and Welfare and Institutions Code Section 362.6 establish specific requirements for Visitation with Minors.
- The CDCR, recognizing the value of visiting for establishing and maintaining meaningful family and community relationships, seeks to standardize processes concerning inmate visiting restrictions with minors that were formerly subject to local interpretation.
- This action will amend the current CCR, Title 15, Section 3173.1, Visiting Restrictions with Minors to include language which has been rewritten for clarity and easier reference by staff, inmates, and the public in general. Some specific regulatory provisions are retained in virtually unchanged form, while at the same time, new regulatory provisions are added concerning restricted visitation with minor victims as well as restrictions for visiting with minors deemed as non victims. Additionally, new language is provided concerning the responsibility of the Institution Classification staff for the review and determination concerning the safety of visitation with minors in a contact or non-contact setting.
- Changes for enhanced clarity, including reference, grammatical corrections, and changes in punctuation are also made to meet departmental standards.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Elkhorn-Natomas Neighborhood Electric Distribution Project, Sacramento County

The Department of Fish and Game ("Department") received a notice on December 2, 2005 that the Sacramento Municipal Utility District (SMUD) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the installation of several electric substations and power line segments in North Natomas in order to supply electricity to new developments. The activities will result in temporary impacts to 0.10 acres and permanent impacts to 0.0026 acres of giant garter snake (*Thamnophis gigas*) habitat.

The U.S. Fish and Wildlife Service (USFWS), on November 16, 2005, issued to the U.S. Army Corps of Engineers (Corps), a no jeopardy federal biological opinion (1-1-05-F-0286) which considers the Federally and State threatened giant garter snake, and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, SMUD is requesting a determination that federal biological opinion 1-1-05-F-0286 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, SMUD will not be required to obtain an incidental take permit for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Relocation of US 101 at Confusion Hill Mendocino County

The Department of Fish and Game ("Department") received notice on December 2, 2005 that the California Department of Transportation ("Caltrans") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the relocation of US 101 between post-mile 98.9 and 100.8 in Mendocino County. The proposed project will move this portion of the highway from the east side of the South Fork Eel River to the west side because of frequent landslides and damage on the east side. The activities will impact riparian habitat and in-water fish habitat.

The National Marine Fisheries Service ("NMFS") issued a no jeopardy federal biological opinion (151422SWR04SR9151:DJL) to the U.S. Department of Transportation on November 4, 2005 which authorizes incidental take of the federally and state threatened Southern Oregon/Northern California Coast ESU Coho Salmon (*Oncorhynchus kisutch*).

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that biological opinion 151422SWR04SR9151:DJL is consistent with CESA. If the Department determines that the federal biological opinion is consistent, Caltrans will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

DECISION NOT TO PROCEED

BOARD OF CHIROPRACTIC EXAMINERS

Pursuant to Government Code Section 11347, the Board of Chiropractic Examiners has decided not to proceed with Division 4 of Title 16, Section 361, Manipulation Under Anesthesia, (Notice File No. Z03-0826-03), originally published in the California Regulatory Notice Register on September 5, 2003. The decision was based on the disapproval by the Office of Administrative Law on October 11, 2005. The Board will also publish this notice of decision to not proceed on our website.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF ADDITIONAL MODIFICATIONS TO TEXT OF PROPOSED REGULATION

TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 12900 OAL NOTICE FILE No. Z-05-0208-03

As required by Government Code section 11346.8(c), and Title 1, Section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of additional changes made to the proposed regulation: Title 22, California Code of Regulations, Section 12900. This proposed regulation was originally the subject of a Notice of Proposed Rulemaking issued on February 18, 2005 and published in the California Regulatory Notice Register (Register 2005, No. 7-Z). A public hearing on this regulatory proposal was held on April 4, 2005. Written and oral testimony was accepted at the hearing. In addition, written comments were received during three public comment periods, closing on April 15, 2005, July 8, 2005 and November 14, 2005.

OEHHA has reviewed the comments it received regarding its most recently proposed amendments to the regulatory proposal and is once again proposing to

revise the proposed regulation. A summary of the comments received during the most recent 15 day public comment period, along with OEHHA's responses to those comments is available on the OEHHA website at www.oehha.ca.gov or may be requested from the Proposition 65 Implementation Office at (916) 445-6900.

A copy of the text of the most recently amended proposed regulation is attached. Deletions are designated in diagonal slash marks, and additions are designated in double underline in the proposed text. A clear copy of the most recent amended text is also attached for ease of readability. In summary, the only changes made to the proposed text that are the subject of this notice are as follows:

1. The word "affirmative" was deleted from the title of the proposed regulation to clarify that OEHHA does not intend to affect the pleading provisions of Code of Civil Procedure, section 431.30. The word "affirmative" was used by OEHHA in reference to the fact that the person asserting the defense would have the burden of asserting and proving the defense if he or she chooses to take advantage of this regulatory provision.
2. In Subsection (b) of the proposed regulation, the federal Consumer Product Safety Commission was added to the list of federal, state and local agencies that may "require or sanction" a method of detection and analysis that could be used by a business to test its products for exposures to listed chemicals that might require a warning under Proposition 65.
3. The words "that person's" were added to subsection (c) to make it clear that the method of detection and analysis being used would need to be specified in a permit issued to the person asserting the defense.

OEHHA will accept written comments on these amendments to the proposed regulation between December 16, 2005 and January 9, 2006. All written comments must be submitted to OEHHA by mail, fax, courier, e-mail or hand-delivery, no later than 5:00 p.m. on **January 9, 2006**, and addressed to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Mailing address: P.O. Box 4010
Sacramento, California 95812-4010
Street address: 1001 I Street, 19th Floor
Sacramento, California 95814
Or via e-mail to coshita@oehha.ca.gov
Fax No.: (916) 323-8803

Inquiries concerning the action described in this notice may be directed to Cynthia Oshita, in writing at the address given above, or by telephone at (916) 445-6900.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Off-Road Compression-Ignition Tier 4 Regulations

This action updates California's regulations limiting the emissions of new off-road diesel engines to include Tier 4 updates made to the federal regulations applicable to off-road diesels.

Title 13

California Code of Regulations

ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures

Filed 12/07/05

Effective 01/06/06

Agency Contact: Floyd Vergara (916) 322-2884

BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

Complaint Disclosure Policy

The proposed adoption of section 3067 by BFGG, an agency under the Department of Consumer Affairs, provides for disclosure of BFGG licensee information to anyone who requests it, specifically:

1. Information regarding the licensing status and contact information of past and current licensees, or about non-licensed persons.
2. Information regarding disciplinary and enforcement action taken against licensees, including acknowledgment of any pending administrative actions involving licensees.
3. Provided certain conditions are met, information regarding complaints against licensees.

Title 16

California Code of Regulations

ADOPT: 3067

Filed 12/02/05

Effective 01/01/06

Agency Contact: Paul Sweeney (916) 263-2113

BOARD OF EDUCATION

Charter Schools: Non-classroom-Based Instruction—Virtual Schools

In this rulemaking action, the Board of Education amends its regulations pertaining to the funding of charter schools for "nonclassroom-based instruction," including virtual or on-line charter schools.

Title 5

California Code of Regulations

ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6

Filed 12/06/05

Effective 12/06/05

Agency Contact: Debra Strain (916) 319-0641

BOARD OF FORESTRY AND FIRE PROTECTION

Performance Based Hazard Reduction, 2006

This action adopts or amends three regulations for the Southern Forest District that will provide foresters with an alternative means for processing snags and slash left after logging operations for the purposes of reducing fire and pest hazards.

Title 14

California Code of Regulations

ADOPT: 957.11, 957.12 AMEND: 957

Filed 11/30/05

Effective 01/01/06

Agency Contact:

Christopher Zimny (916) 653-9418

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Vocational Nursing IV Therapy Regulations

In this "change without regulatory effect" filing, the Board of Vocational Nursing and Psychiatric Technicians amends regulations pertaining to licensed vocational nurses performing "intravenous therapy" and "intravenous therapy/blood withdrawal" to reflect a recent judicial ruling and judgment.

Title 16

California Code of Regulations

AMEND: 2542, 2542.1, 2547, 2547.1

Filed 11/30/05

Effective 12/30/05

Agency Contact:

Suellen Clayworth (916) 263-7841

CALIFORNIA HORSE RACING BOARD

Pick Three

This regulatory action is to amend Section 1977 which describes the Pick Three pari-mutuel pool and the payouts for the wagering interests in this type of pool. The payouts are being revised to set up a system of consolation-type payouts for the wagering interests on a horse that is no longer in the running based upon which of the races have begun.

Title 4

California Code of Regulations

AMEND: 1977

Filed 12/05/05
Effective 01/04/06
Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD
Pari-Mutuel Wagering Rules

This action repeals obsolete regulations that prescribe the characteristics of the special, limited, special unlimited, and special reserved unlimited sweepstakes, and the Pick 7 and Pick 6 One pari-mutuel pools.

Title 4
California Code of Regulations
REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7
Filed 12/05/05
Effective 01/04/06
Agency Contact: Pat Noble (916) 263-6033

CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD
Implementation of the Electronic Waste Recycling Act of 2003

This regulatory action is to make amendments to a set of regulations which implement the Electronic Waste Recycling Act of 2003. The initial set of regulations did not adequately address covered electronic wastes that result from load checking and other types of illegal disposal at privately-owned operations and properties. These amendments address that gap and seek to keep the flow of recyclable hazardous electronic waste from backing up in the administrative claiming system.

Title 14
California Code of Regulations
AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37
Filed 12/02/05
Effective 12/02/05
Agency Contact: Robert Conheim (916) 341-6076

CALIFORNIA STATE UNIVERSITY
Conflict of Interest

The California State University is amending its conflict of interest code found at title 5, section 43810, California Code of Regulations. The California State University filed the captioned changes to said conflict of interest code on October 4, 2005, absent a copy of the Fair Political Practices Commission (FPPC) approval certification. The filing was pursuant to Education Code section 89030.1(e). The Office of Administrative Law refiled the aforementioned with the FPPC approval certification in the form of a letter dated December 5, 2005, on December 7, 2005.

Title 5
California Code of Regulations
AMEND: 43810
Filed 12/07/05

Effective 12/07/05
Agency Contact:
Deanna L. Thompson (562) 951-4495

DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Visiting Restrictions with Minors

In this "operational necessity" emergency filing under Penal Code section 5058.3(a)(2), the Department of Corrections and Rehabilitation amends a regulation pertaining to "Visiting Restrictions with Minors."

Title 15
California Code of Regulations
AMEND: 3173.1
Filed 12/05/05
Effective 12/05/05
Agency Contact: Stephanie Winn (916) 358-2460

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

The emergency regulatory action adds the following as hosts or potential carriers of Phytophthora Ramorum, the fungus that causes oak mortality disease : Abies concolor (white fir), Griselinia littoralis (Griselinia), Parrotia persica (Persian ironwood) and Taxus x media (Yew). The listing of hosts or potential carriers already lists Viburnum opulus (European cranberrybush viburnum) but its synonym and common name of V. trilobum (American cranberry viburnum) is also being added. Additionally, the correction of the spelling of Nothofagus obliqua and Toxicodendron diversilobum and the capitalization of Pieris formosa and the closing of a parenthesis are part of this emergency regulatory action.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 12/01/05
Effective 12/01/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
Snow Roof Live Loads

The Department of Housing and Community Development is making amendments to section 1338.1 and repealing section 1443.1, title 25, California Code of Regulations. The changes are necessitated by Chapter 325, Stats. 2005. The aforementioned chapter states that . . .[i]t is the intent of the Legislature that the regulations adopted by the Department of Housing and Community Development to implement and interpret the changes enacted in Section 1 of this act be deemed to be editorial changes pursuant to the Administrative Procedure Act. . ."

Title 25
 California Code of Regulations
 AMEND: 1338.1 REPEAL: 1433.1
 Filed 12/07/05
 Effective 01/01/06
 Agency Contact: Brad Harward (916) 324-4907

DEPARTMENT OF JUSTICE

Wholesaler or Nonresident Wholesaler Surety Bond

This is a Wholesaler or Nonresident Wholesaler Surety Bond form submitted on behalf of the Board of Pharmacy by the Department of Justice and is being submitted to OAL for printing only.

Title 11
 California Code of Regulations
 ADOPT: 116.1
 Filed 12/01/05
 Effective 12/01/05
 Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF MOTOR VEHICLES

Administrative Fee for Vehicle Code Book

Subsection (a) of section 1656 of the California Vehicle Code requires that the Department of Motor Vehicles (Department) publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles once every two years. Subsection (a) also provides that the Department "...shall distribute the California Vehicle Code at a charge sufficient to pay the entire cost of publishing and distributing the code...". This regulatory action sets an amount of six dollars for each Vehicle Code book as payment for the entire cost of publishing the code with the purchaser to pay any shipping costs.

Title 13
 California Code of Regulations
 AMEND: 425.01
 Filed 12/05/05
 Effective 01/04/06
 Agency Contact: Randi Calkins (916) 657-8898

DEPARTMENT OF PARKS AND RECREATION

OHMVR Grant & Cooperative Agreement Regulations

This is a request to readopt prior emergency regulatory actions (OAL file nos. 05-0729-04EE and 05-0401-22ER) dealing with local assistance grants, grants to nonprofit organizations and education institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation. These regulations include definitions, application requirements, types of projects, and specific application and content requirements for the individual projects, environmental impact reporting

requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match requirements, and accounting, audits and annual performance reviews. This emergency regulatory action incorporates by reference the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Non-profit Organizations and Educational Institutions, and Cooperative Agreements Program, dated April 2005, which includes among other regulatory provisions: application instructions, application evaluation criteria and point scoring system, approval of applications, and project administration procedures.

Title 14
 California Code of Regulations
 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
 Filed 12/06/05
 Effective 12/06/05
 Agency Contact: Julie Hom

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Compressed Gas (Oxygen) Cylinder Storage

The regulatory action deals with the storage of compressed gas (oxygen) cylinders.

Title 8
 California Code of Regulations
 AMEND: 4650
 Filed 12/05/05
 Effective 01/04/06
 Agency Contact: Marley Hart (916) 274-5721

**STATE WATER RESOURCES CONTROL BOARD
 Amendment to San Diego Basin Plan**

This action establishes a Total Maximum Daily Load of copper for the Shelter Island Yacht Basin in San Diego Bay of 1.6 kilograms per day.

Title 23
 California Code of Regulations
 ADOPT: 3989.2
 Filed 12/02/05
 Effective 12/02/05
 Agency Contact: Greg Frantz (916) 341-5553

**STATE WATER RESOURCES CONTROL BOARD
 Amendment to LA Basin Plan**

This basin plan amendment establishes a Total Maximum Daily Load (TMDL) for bacteria in Malibu Creek and Lagoon for summer (April 1 to October 31) dry-weather, winter (November 1 to March 31) dry-weather and wet-weather days.

Title 23
California Code of Regulations
ADOPT: 3939.15
Filed 12/01/05
Effective 12/01/05
Agency Contact: Greg Frantz (916) 341-5553

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JULY 13, 2005 TO
DECEMBER 7, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/16/05 AMEND: 1181
11/07/05 AMEND: 20107
11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 1
10/31/05 AMEND: 1859.2, 1859.81, 1866
10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01
10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1
10/18/05 ADOPT: 18732.5
10/11/05 ADOPT: 18117, 18772
10/11/05 AMEND: 18450.4
10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750
10/06/05 ADOPT: 18735.5
09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
09/13/05 AMEND: 18730
09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14 AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12,

1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
08/15/05 AMEND: 51000
08/09/05 ADOPT: 59520
08/04/05 AMEND: 2271
07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
07/20/05 ADOPT: 18530.7
07/20/05 AMEND: 18570
07/18/05 AMEND: 18452
07/18/05 AMEND: 55400

Title 3

12/01/05 AMEND: 3700(c)
11/23/05 AMEND: 3406(b)
10/25/05 AMEND: 3406(b)
10/24/05 AMEND: 3433(b)
10/20/05 AMEND: 3591.19(a)
10/19/05 AMEND: 3406(b)
10/18/05 ADOPT: 3591.18
10/17/05 AMEND: 3406(b)
10/07/05 ADOPT: 6551
10/07/05 AMEND: 3406(b)
10/04/05 ADOPT: 3963
10/03/05 AMEND: 3433
09/28/05 ADOPT: 3591.19
09/27/05 AMEND: 3700(c)
09/16/05 ADOPT: 581
08/12/05 AMEND: 3700(c)
08/08/05 ADOPT: 1811, 1812, 1850 AMEND: 1804, 1806, 1808, 1831, 1930, 1931, 1932, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1950 REPEAL: 1809, 1810, 1851, 1851.1, 1870.1, 1870.2, 1871, 1872, 1873, 1951, 1960, 1961
07/21/05 AMEND: 6400

Title 4

12/05/05 AMEND: 1977
12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7
11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.
11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521

11/23/05 AMEND: 4083
 11/01/05 ADOPT: 10300, 10302, 10310, 10315,
 10317, 10320, 10322, 10325, 10326,
 10327, 10335, 10337
 10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025,
 9027, 9050, 9051, 9052, 9053, 9054,
 9055, 9056, 9057, 9058, 9059, 9060,
 9061, 9062, 9063, 9064, 9065, 9066,
 9067, 9068, 9069, 9070 AMEND: 9020,
 9030, 9031, 9032, 9041, 9043
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
 7035, 7036, 7037, 7038, 7039, 7040,
 7041, 7042, 7043, 7044, 7045, 7046,
 7047, 7048, 7049, 7050
 AMEND: 7047, 7048 REPEAL: 7049
 10/12/05 AMEND: 1433
 09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663
 08/17/05 AMEND: 1976.9
 08/08/05 AMEND: 1887

Title 5

12/07/05 AMEND: 43810
 12/06/05 ADOPT: 11963.5 AMEND: 11704,
 11963.2, 11963.3, 11963.4, 11963.5,
 11963.6
 11/15/05 AMEND: 6111
 11/10/05 AMEND: 19826.1
 10/19/05 AMEND: 11900, 11905, 11915, 11920,
 11925, 11930, 11935
 10/14/05 ADOPT: 18092.5 AMEND: 18066,
 18069, 18078, 18081, 18083, 18084,
 18092, 18103, 18106, 18109, 18110
 10/14/05 ADOPT: 18092.5 AMEND: 18066,
 18069, 18078, 18081, 18083, 18084,
 18092, 18103, 18106, 18109, 18110
 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4,
 18240.5, 18249 AMEND: 18220, 18240,
 18248, 18244
 10/11/05 ADOPT: 19850, 19851, 19852, 19853,
 19854 AMEND: 19814, 19814.1
 09/28/05 AMEND: 50500
 09/01/05 REPEAL: 1630
 08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
 855, 857, 858, 859, 861, 862, 863, 864,
 864.5, 865, 866, 867, 867.5, 868870
 08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
 1204.5, 1206, 1207, 1209, 1210, 1211,
 1211.5, 1215, 1215.5, 1216, 1217, 1225
 08/01/05 ADOPT: 15140, 15141
 07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8

Title 8

12/05/05 AMEND: 4650
 11/22/05 ADOPT: 13680, 13681, 13682, 13683,
 13684, 13685, 13686, 13687, 13688,
 13689, 13690, 13691, 13692, 13693
 11/22/05 ADOPT: 13694
 09/29/05 AMEND: 9789.11
 09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
 9792.10 REPEAL: 9792.11
 09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
 9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
 9767.10, 9767.11, 9767.12, 9767.13,
 9767.14, 9767.15
 08/25/05 AMEND: 6184
 08/22/05 ADOPT: 3395
 08/10/05 AMEND: 8615
 08/09/05 AMEND: 6251
 08/02/05 AMEND: 770
 08/02/05 ADOPT: 5022.1 AMEND: 4968
 07/28/05 AMEND: 1529, 1535, 5190, 5210, and
 8358

Title 10

11/23/05 AMEND: 260.210, 260.211, 1726,
 1950.122, 2020
 11/16/05 AMEND: 2699.6600, 2699.6809
 11/15/05 AMEND: 2690.1
 11/03/05 ADOPT: 2698.95.1, 2698.95.11,
 2698.95.12, 2698.96, 2698.97, 9698.97.1,
 2698.98, 2698.98.1 AMEND: 2698.95
 10/20/05 AMEND: 2318.6, 2353.1, 2354
 10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,
 2698.33, 2698.34, 2698.35, 2698.36,
 2698.37, 2698.38, 2698.39, 2698.40,
 2698.41, 2698.42, 2698.43 REPEAL:
 Sections 2698.30, 2698.31, 2698.32,
 2698.33, 2698.34, 2698.35, 2698.36,
 2698.37, 2698.38, 2698.39, 2698.40,
 2698.
 09/28/05 AMEND: 2498.4.9
 09/28/05 AMEND: 260.121

Title 11

12/01/05 ADOPT: 116.1
 11/22/05 ADOPT: 49.17
 10/24/05 AMEND: 1070, 1081, 1082
 08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
 08/22/05 AMEND: 1001, 1002, 1007
 08/12/05 AMEND: 1005, 1060
 08/01/05 AMEND: 1005, 1014
 07/28/05 ADOPT: 720, 721, 722, 723, 724,

Title 12

09/19/05 ADOPT: 460, 461

Title 13

12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures

12/05/05 AMEND: 425.01

11/08/05 AMEND: 550, 551.11, 551.12

10/27/05 AMEND: 2453, 2455

10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23

09/15/05 AMEND: 1961(d)

09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961

09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)

08/24/05 AMEND: 551.2, 551.15

08/18/05 AMEND: 2754

08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78

08/11/05 AMEND: 423.00

08/08/05 AMEND: 2185

08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465

07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22

07/27/05 AMEND: 350.24

07/19/05 ADOPT: 15.04

Title 14

12/06/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05

12/02/05 AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37

11/30/05 ADOPT: 957.11, 957.12 AMEND: 957

11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]

11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)

11/02/05 AMEND: 632

11/01/05 ADOPT: 2.45, 251.9

10/31/05 AMEND: 180.1

10/26/05 AMEND: 2516

10/25/05 AMEND: 11900

10/24/05 AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257

10/18/05 ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936

10/13/05 AMEND: 895, 895.1, 1038, 1038(f)

10/13/05 AMEND: 699.5

10/12/05 ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466

10/06/05 AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070

09/30/05 AMEND: 502, 506

09/21/05 ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,

09/20/05 AMEND: 13800

08/26/05 AMEND: 7.50(b)(91.1)

08/24/05 AMEND: 183 REPEAL: 188

08/23/05 AMEND: 7.50

08/23/05 AMEND: 230

08/08/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05

08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1

07/21/05 AMEND: 18419

07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1, 708

07/13/05 AMEND: 122 REPEAL: Appendix A, Form DFG 122

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a); 17852(a)(5), (a)(11), (a)(12), (a)(13), (a)(15), (a)(16), (a)(21), (a)(22), (a)(24),

(a)(36), (a)(41); 17855(a), (a)(5)(A); 17855(a)(5)(B), (a)(7); 17855.4(a), (c), (d)(1), (d)(2), (d)(3); 17856(a), (c), (c)(1); 17

Title 15

12/05/05 AMEND: 3173.1
11/21/05 ADOPT: 3999.2
11/01/05 AMEND: 3287
09/13/05 ADOPT: 3480, 3480.1, 3483, 3484, 3485
AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
08/23/05 AMEND: 3025
08/03/05 ADOPT: 3436

Title 16

12/02/05 ADOPT: 3067
11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1
11/29/05 AMEND: 1397.61(f)
11/21/05 AMEND: 1397.61(a)
11/18/05 AMEND: 1364.11
11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4
10/24/05 AMEND: 1399.50, 1399.52
10/20/05 AMEND: 1870, 1870.1, 1874
10/20/05 AMEND: 1922.3
10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
10/06/05 AMEND: 1016, 1017
10/05/05 AMEND: 1014, 1014.1
09/20/05 AMEND: 407(c)
09/09/05 AMEND: 1399.170.11
09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
09/06/05 ADOPT: 1070.4
09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
08/29/05 AMEND: 404.1, 404.2
08/25/05 AMEND: 1399.15
08/25/05 AMEND: 473
08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268

07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391

07/27/05 AMEND: 2085.2

07/26/05 AMEND: 418

07/22/05 AMEND: 109, 116, 117

07/22/05 AMEND: 1888

07/21/05 ADOPT: 1070.5

07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5

Title 17

11/10/05 AMEND: 54355, 56002, 56040
10/18/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
09/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
08/31/05 ADOPT: 93102.5
08/18/05 AMEND: 94006
08/01/05 ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834, 58840, 58841, 58842, 58850, 58851, 58860, 58861, 58862, 58863, 58864, 58870, 58871, 58872, 58873, 58874, 58875, 58876, 58879, 58880, 58881, 58882 AMEND: 54302
07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

Title 18

10/04/05 AMEND: 1698

Title 20

09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842
07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

Title 21

09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

Title 22

11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND:

51000.1, 51000.1.1, 51000.3, 51000.4,
51000.6, 51000.7, 51000.16, 51000.30,
51000
10/04/05 AMEND: 80072(a)(8), 85068.4
09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5
AMEND: 4400(I), 4403, 4412.1, 4415,
4417
09/27/05 AMEND: 311-1
09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1,
4444
08/24/05 AMEND: 51510, 51510.1, 51511,
51511.5, 51511.6, 51535, 51535.1,
51544, 54501
08/12/05 AMEND: 12805
08/12/05 AMEND: 12705
08/11/05 AMEND: 97212,, 97232, and 97241.
08/10/05 ADOPT: 97800, 97810, 97820, 97830,
97840, 97850, 97860, 97870, 97880,
97890

Title 22, MPP

08/05/05 ADOPT: 40-036 AMEND: 22-071, 22-
072, 22-305, 40-103, 40-105, 40-107,
40-119, 40-125, 40-131, 40-173, 40-181,
40-188, 40-190, 41-405, 42-209, 42-213,
42-221, 42-302, 42-406, 42-407, 42-716,
42-721, 42-751, 42-769, 44-101, 44-102,
44-111, 44-113, 44-115,

Title 23

12/02/05 ADOPT: 3989.2
12/01/05 ADOPT: 3939.15
11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,
2814.23, 2814.24, 2814.25, 2814.26,
2814.27, 2814.28, 2814.29, 2814.30,
2814.31, 2814.32, 2814.33, 2814.34,
2814.35, 2814.36, 2814.37
10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066,
1067, 1071, 1077, 3833.1 REPEAL: 793
10/13/05 ADOPT: 2200.6 AMEND: 2200
10/12/05 ADOPT: 3005

10/04/05 AMEND: 2908
10/03/05 AMEND: 3900
09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms
CIWMB 173 (4/04), 180(3/04) AMEND:
18449, 18450, 18451, 18456, 18459,
18459.2.1, 18459.3, 18461, 18462
09/08/05 ADOPT: 3966
08/19/05 AMEND: 2611
08/18/05 ADOPT: 3906
07/25/05 ADOPT: 3298
07/22/05 ADOPT: 3979
07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424,
3425, 3426, 3427, 3428

Title 25

12/07/05 AMEND: 1338.1 REPEAL: 1433.1
11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348
09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434
08/12/05 AMEND: 8204, 8210, 8211, 8212,
8212.1, 8213, 8217
07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276

Title 27

11/17/05 AMEND: 21685
09/29/05 ADOPT: 20070, 21569, 21835
09/26/05 ADOPT: 15241, 15242

Title 28

08/22/05 ADOPT: 1300.67.1.3
08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4,
1300.75.4.7, 1300.75.4.8 AMEND:
1300.75.4, 1300.75.4.5
07/25/05 AMEND: 1300.74.30

Title MPP

09/20/05 REPEAL: 11-405.22
08/12/05 AMEND: 42-101
08/05/05 ADOPT: 63-508, 63-509 AMEND: 63-
034, 63-102, 63-103, 63-300, 63-301,
63-410, 63-501, 63-503, 63-504, 63-505,
63-801, 63-804
08/01/05 AMEND: 11-400, 11-102, 11-403, 11-406

